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DEC 20 2012

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

08-CR-00025-BR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CR08-25-TSZ

Plaintiff,

v.

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

JOSHUA PAUL BOYD,

Defendant.

An evidentiary hearing on a petition for violation of supervised release in this case was scheduled before the undersigned Magistrate Judge on December 20, 2012. The United States was represented by Assistant United States Attorney Justin Arnold, and the defendant by Jay Stansell. The proceedings were digitally recorded.

The defendant had been charged and convicted of Pharmacy Robbery, in violation of 18 U.S.C. § 2118(a). On or about November 13, 2008, defendant was sentenced by the Honorable Thomas S. Zilly to time served, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in a substance abuse program, financial disclosure, \$2,645.95 restitution, abstain from alcohol, search, 120 days RRC, 40 hours CS and no new credit.

SUMMARY REPORT OF U.S. MAGISTRATE
JUDGE AS TO ALLEGED VIOLATIONS OF
SUPERVISED RELEASE - 1

1 In a Petition for Warrant or Summons dated November 26, 2012, U.S. Probation
2 Officer Donald E. Moon asserted the following violations by defendant of the conditions of his
3 supervised release:


- 4 1. Failing to submit to urinalysis testing on about August 8, September 13, and
5 *October 5, 2012, in violation of a special condition.*
- 6 2. Committing the offense of Violation of the Uniformed Controlled Substances
7 Act on or about July 1, 2012, in violation of a general condition.
- 8 3. Failing to notify the probation office within 72 hours of being arrested or
9 questioned by law enforcement on or about July 1, 2012, in violation of
10 standard condition number 11.
- 11 4. Possession Heroin on or about July 1, 2012, in violation of standard condition 7.
- 12 5. Failing to notify the probation office within 72 hours of being arrested or
13 questioned by law enforcement on or about July 22, 2012, in violation of
14 standard condition 11.
- 15 6. Failing to complete 40 hours of community service on or before October 20,
16 2012, in violation of a special condition.
- 17 7. Failing to submit written reports for the months of September and October
18 2012, in violation of standard condition 2.
- 19 8. Failing to make restitution for the months of September, and October 2012, in
20 *violation of a special condition.*

21 On November 29, 2012, defendant made his initial appearance. The defendant was
22 advised of the alleged violations. The government dismissed alleged violations 2, 3 and 4.
23 Defendant denied alleged violations 1, 5, 6, 7 and 8. On December 20, 2012, this matter came
24 before the Court for an evidentiary hearing. Defendant admitted to violations 1, 6, 7 and 8.
25 Alleged violation 5 was withdrawn by the government.
26

1 I therefore recommend that the Court find the defendant to have violated the terms and
2 conditions of his supervised release as to violations 1, 6, 7 and 8, and that the Court conduct a
3 hearing limited to disposition. A disposition hearing on these violations has been set before the
4 Honorable Thomas S. Zilly on January 9, 2013 at 1:30 p.m.

5 Pending a final determination by the Court, the defendant has been released, subject to
6 supervision.

7 DATED this 20th day of December, 2012.

8
9 
10 DEAN BRETT
United States Magistrate Judge

11 cc: District Judge: Honorable Thomas S. Zilly
12 AUSA: Justin Arnold
13 Defendant's attorney: Jay Stansell
14 Probation officer: Donald E. Moon
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